

CITY COUNCIL
ATLANTA, GEORGIA

01-*R*-1584

A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE THE CASE OF THOMAS McGRUDER AND THERESA McGRUDER v. THE CITY OF ATLANTA, CIVIL ACTION FILE NO. 98-VS-0138012-H IN THE STATE COURT OF FULTON COUNTY, AND FOR OTHER PURPOSES

WHEREAS, Thomas and Theresa McGruder were the owners of a grocery store on Washington Street, S.W., in the City of Atlanta, near the site of the Olympic Stadium; and

WHEREAS, during the course of construction related to the 1996 Olympics the City undertook certain improvements which necessitated the closing of Washington Street for a period of four months at a point adjacent to the driveway of the McGruders' store; and

WHEREAS, in the case of *Thomas McGruder and Theresa McGruder v. the City of Atlanta*, Civil Action File No. 98-vs-0138012-H in the State Court of Fulton County, the McGruders brought suit against the City alleging that they had suffered damages from loss of business in connection with the blocking of their driveway by City construction; and

WHEREAS, the case has been defended by counsel provided by the Liberty Mutual Insurance Company, which had provided general liability insurance for the construction project; and


WHEREAS, there exists some controversy between the City and the insurance company regarding coverage of the matter complained of; and

WHEREAS, the Plaintiffs through their counsel have offered to settle their claims for the sum of \$80,000.00, provided that Council consider the matter at its October 1, 2001, meeting; and

WHEREAS, in order to settle the question of coverage the Liberty Mutual Insurance Company has offered to pay two-thirds of the proposed settlement amount, provided that the City pay one-third of the amount; and

WHEREAS, in the opinion of the City Attorney, the proposed settlement represents a fair compromise of the possible exposure of the City in the case and of the question of insurance coverage:

IT IS THEREFORE RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the City Attorney is authorized to settle all claims against the City in the case of



Thomas McGruder and Theresa McGruder v. the City of Atlanta, Civil Action File No. 98-vs-

0138012-H in the State Court of Fulton County, by the payment of the sum of \$28,333.34.

IT IS FURTHER RESOLVED THAT the Chief Financial Officer is authorized to pay such amount jointly to Thomas McGruder, to Theresa McGruder and to Bruce K. Gray, as attorney for the McGruders, and to pay such amount from Account No. 2J21 529017 T31001, Public Works, Nondepartmental.

A true copy,

Rhonda Doughtin Johnson
Municipal Clerk, OMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

OCT 01, 2001

OCT 10, 2001

RCS# 3142
10/01/01
1:54 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 14

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B Martin	Y Emmons
Y Bond	Y Morris	NV Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-1018

CONSENT

10/01/01 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 01-O-1570
2. 01-O-1571
3. 01-O-1354
4. 01-O-1488
5. 01-O-1335
6. 01-O-1336
7. 01-O-1337
8. 01-O-1342
9. 01-O-1343
10. 01-O-1344
11. 01-O-1345
12. 01-O-1346
13. 01-O-1119
14. 01-O-1351
15. 01-O-1572
16. 01-R-1588
17. 01-R-1273
18. 01-R-1276
19. 01-R-1428
20. 01-R-1456
21. 01-R-1471
22. 01-R-1499
23. 01-R-1580
24. 01-R-1581
25. 01-R-0921
26. 01-R-1561
27. 01-R-1584
28. 01-R-1521
29. 01-R-1522
30. 01-R-1523
31. 01-R-1524
32. 01-R-1525
33. 01-R-1526
34. 01-R-1527
35. 01-R-1528
36. 01-R-1545
37. 01-R-1546
38. 01-R-1547

**ITEMS ADVERSE
ON CONSENT AGENDA**

39. 01-R-1529
 40. 01-R-1530
 41. 01-R-1531
 42. 01-R-1532
 43. 01-R-1533
 44. 01-R-1534
 45. 01-R-1535
 46. 01-R-1536
 47. 01-R-1537
 48. 01-R-1538
 49. 01-R-1539
 50. 01-R-1540
 51. 01-R-1541
 52. 01-R-1542
 53. 01-R-1543
 54. 01-R-1544
 55. 01-R-1548
 56. 01-R-1549
 57. 01-R-1550
 58. 01-R-1551
 59. 01-R-1552
 60. 01-R-1553
 61. 01-R-1554
 62. 01-R-1555
 63. 01-R-1556
 64. 01-R-1557
 65. 01-R-1558
 66. 01-R-1559
 67. 01-R-1560
-

016-1584
Do Not Write Above This Line

A RESOLUTION BY
PUBLIC SAFETY & LEGAL ADMINISTRATION
COMMITTEE

A RESOLUTION AUTHORIZING THE CITY
ATTORNEY TO SETTLE THE CASE OF THOMAS
McGRUDER AND THERESA McGRUDER v. THE
CITY OF ATLANTA, CIVIL ACTION FILE NO. 98-
VS-0138012-H IN THE STATE COURT OF
FULTON COUNTY, AND FOR OTHER PURPOSES.

APPROVED BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADOPTED BY

OCT 01 2001

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

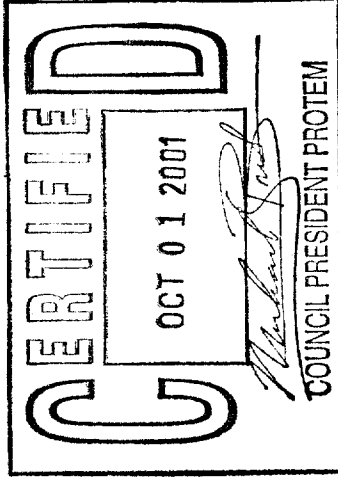
Committee <i>Public Safety</i>	Committee _____
Date <i>9/25/01</i>	Date _____
Chair <i>Robert G. Davis</i>	Chair _____
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: _____	Other: _____
Members <i>Henry, Davis</i>	Members _____
Refer To _____	Refer To _____

Committee _____	Committee _____
Date _____	Date _____
Chair _____	Chair _____
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: _____	Other: _____
Members _____	Members _____
Refer To _____	Refer To _____

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED



MAYOR'S ACTION

APPROVED

OCT 10 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW